

Remarks/Arguments

Claims 1-2 and 7-14 are pending.

Rejection of claims 1, 7, 8, 11 and 14 under 35 USC 102(e) as being anticipated by Higgins et al (US Pat No 6587480)

Applicants submit that for the reasons discussed below present claims 1, 7, 8, 11 and 14 are not anticipated under 35 USC 102(e) by Higgins et al.

Present claim 1 recites:

- specifying a **starting point**, within said file, and from which the transfer is to be carried out;
- requesting initiation of the file transfer from the **starting point** ...
(emphasis added)

Present claim 8 similarly recites the feature of transferring an isochronous file starting from a starting point in the file specified by the client in apparatus form. Present claim 11 similarly recites this feature in the context of a method for transferring an isochronous file to a client device. Applicants submit that nowhere does Higgins disclose or suggest this feature.

Higgins discloses a system and network for allowing remote control of an isochronous device by another device. The Office Action primarily relies on col. 14, line 61 to col. 16, line 8, as well as elements of 340 and 350 for figure 5. Applicants submit that nowhere does the cited portions of Higgins disclose or suggest the above-cited limitations of claim 1.

According to Higgins, the method of remotely controlling an isochronous device commences with a browse step 310, wherein a user browses the network looking for a client. The controlling client then requests the remote client's capabilities, and if useful, the controlling client requests an isochronous user information path. The controlling client then request specific control of the remote client (see col. 14, line 61 to col. 15, line 15). Higgins does not describe what this 'specific control' may consist of, other than file transfer in an isochronous manner 'outside the internet.'

Regarding the above-cited limitation of claim 1, the Office Action relies on col. 15, line 65 to col. 16, line 8 to allege that Higgins anticipates this limitation.

Applicants respectfully disagree that the cited portion of Higgins discloses or suggest this limitation. This portion of Higgins only mentions that an isochronous data stream is transmitted between a channel driver 420 and a channel driver interface 430, which passes the data onto a buffer input manager. There is absolutely no mention of specifying a starting point from which the transfer is to be carried out as recited in claim 1.

In fact, the cited paragraph of Higgins appears to teach away from the invention since it mentions that MPEG packets arriving when the buffer is full **are discarded**. The claimed invention allows for requesting transmission of the discarded data again, even in an isochronous environment. Nowhere does Higgins mention or suggest such a mechanism. In view of the above, applicants submit that Higgins fails to disclose or suggest notable limitations of claim 1, and as such present claim 1, and the claims that depend therefrom, are not anticipated by Higgins. As present claims 8 and 11 similarly recite the above-noted limitation of claim 1, applicants submit that claims 8 and 11, and the claims that depend therefrom, are also not anticipated by Higgins for at least the same reasons as those discussed above with respect to claim 1.

Rejection of claims 2 and 9 under 35 USC 103(a) as being unpatentable over Higgins in view of Kobayashi (US Pat No 20030179719)

Kobayashi is cited as disclosing requesting to a file manager functional component module for managing a file system of isochronous files and asynchronous files on a recording medium holding the file to be transferred, methods for acting upon isochronous connections and files, and file type independent methods for acting upon both asynchronous and isochronous files. However, applicants submit that even assuming arguendo that Kobayashi teaches the additional features, Kobayashi fails to cure the defect of Higgins as applied to claims 1 and 8, and discussed above. Thus, applicants submit the combination of Higgins and Kobayashi fail to teach or suggest each and every limitation of present claims 2 and 9, which depend from claims 1 and 8, respectively.

Rejection of claims 10, 12 and 13 under 35 USC 103(a) as being unpatentable over Higgins in view of Kobayashi and further in view of Katz et al (US 6356971)


Katz is additionally cited as disclosing an application programmable interface further comprising methods for acting upon directories of both asynchronous and isochronous files, a global directory comprising directories of all file manager functional component module compatible devices, and directories of devices managed by AVDisc functional component module in the global directory. However, applicants submit that even assuming arguendo that Katz teaches these additional features, Katz fails to cure the defect of Higgins and Kobayashi as applied to claims 9 and 11, and discussed above. Thus, applicants submit that the combination of Higgins, Kobayashi and Katz fails to teach or suggest each and every limitation of present claims 10, 12 and 13, which depend from claims 9 and 11.

Customer No.: 24498
Ser. No. 10/091,266
Reply to Office Action of: August 26, 2005

PATENT
PF010020

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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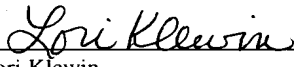
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I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on:

January 19, 2006
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Lori Klewin